

*Any Docket HES 99.035U1C1  
(1391-40500)*

## REMARKS

### *Status of Claims*

Claims 21-40 are pending in this patent application.

### *Statutory Double Patenting*

Claim 21 stands rejected under 35 USC 101 as claiming the same invention as that claimed in U.S. Pat. No. 6,273,191 (Reddy et al). Applicants respectfully traverse this rejection and direct the Examiner's attention to the fact that all of the claims in '191 are directed to methods of cementing a casing string in a deep water offshore formation penetrated by a wellbore. In contrast, all the claims pending in the present application are directed to foamed cement compositions. Facially, it is clear that embodiments drawn to the presently claimed foamed cement compositions could be literally infringed without literally infringing the methods of cementing a casing string in a deep water offshore formation penetrated by a wellbore claimed in the '191 patent. Therefore, according to MPEP 804(II)(A), the identical subject matter is not being claimed and the statutory double patenting rejection is improper.

### *Obviousness-Type Double Patenting*

Claims 21-40 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Pat. No. 6,273,191 (Reddy et al) in view of *Cowan* et al. '991 or *Gilbert*. Applicants provide herewith a terminal disclaimer to overcome the obviousness-type double patenting rejection.

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*Patent*

### CONCLUSION

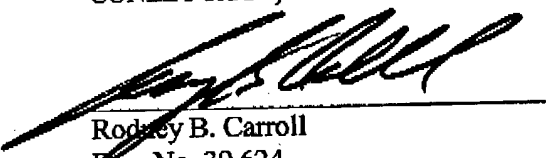
Applicants respectfully submit that the present application is now in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone Craig Roddy at (580) 251-3012.

Respectfully submitted,

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